



March 17, 2017

BY FIRST CLASS MAIL AND E-MAIL

Roberto L. Rodriguez
General Counsel
Kickapoo Traditional Tribe of Texas
2212 Rosita Valley Rd.
Eagle Pass, TX 78852

Re: Amended Gaming Ordinance

Dear Mr. Rodriguez:

This letter responds to your request on behalf of the Kickapoo Traditional Tribe of Texas for the National Indian Gaming Commission to review and approve the Tribe's Gaming Ordinance. This ordinance was adopted by the Tribe's Council on March 6, 2017 and supersedes the previous Gaming Ordinance approved by the NIGC Chair on April 29, 1994, as amended on December 18, 2006.

The Gaming Ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Maria Getoff, Senior Attorney, at 202-632-7003.

Sincerely,

A handwritten signature in blue ink, which appears to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman

**TRADITIONAL
COUNCIL**

CHAIRMAN
Estavio Elizondo,

SECRETARY
David Valdez Sr.

TREASURER
David Trevino

MEMBERS
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Nanate Hernandez, Nanatea

KICKAPOO

**TRADITIONAL
TRIBE OF TEXAS**

c/o Legal Department
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Traditional Council

Kickapoo Traditional Tribe of Texas
Gaming Ordinance

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KTTT Gaming Ordinance

Section 1. Purpose

The Tribal Council of the Kickapoo Traditional Tribe of Texas ("Tribe"), empowered by the KTTT Constitution to enact ordinances, hereby enacts this ordinance in order to govern and regulate the operation of class II and/or class III gaming operations on the Tribe's Indian lands.

Section 2. Applicability¹

Unless specifically indicated otherwise, all provisions of this ordinance shall apply to class II and/or class III gaming on the Tribe's Indian lands.

Section 3. Definitions

The following terms shall have the same meaning and effect as those same terms are defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 et seq., and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. §§ 500 et seq., if they are defined in IGRA and the NIGC's regulations.

A. Authority. Means the Kickapoo Traditional Tribe of Texas Gaming Regulatory Authority established by this Ordinance.

B. Authority Data. Means all information, files, reports, records, correspondence and other data collected, created, received, maintained or disseminated by the Authority regardless of its physical form, storage method, or conditions of use.

C. Applicant. Means an individual or entity that applies for a Tribal Gaming License or Certification.

D. Background Investigation. Has the meaning given in 25 C.F.R. Part 556.4.

E. Class I gaming. "Class I gaming" means:

1. Social games played solely for prizes of minimal value; or
2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

¹ As of the enactment of this Ordinance the Kickapoo Traditional Tribe of Texas is authorized to operate a Class II gaming facility. References to other Classes of gaming and/or State-Compacts in this ordinance are only intended for reference and/or future potential purposes.

F. Class II gaming.

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;
4. Card games that are explicitly authorized by the laws of the State, or are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

G. Class III gaming. All forms of gaming that are not class I or class II gaming, including, but not limited to:

1. Any house banking game, including but not limited to –
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
2. Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
3. Any sports betting and pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing or jai alai; or
4. Lotteries.

H. Commission. The Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with tribal, federal, and applicable state regulations.

I. Commissioner. A Tribal Gaming Commissioner.

J. Compliance. Means that any gaming and gaming related activity regulated by this Tribal Ordinance is conducted in accordance with applicable laws.

K. Conditional Licenses. Means the issuance of a Conditional License to an applicant which is based on approved criteria set forth by the KTTT Gaming Commission.

L. Confidential Data. Authority Data on a Person that by Tribal Ordinance, regulation or order, or by applicable federal law, is not made available to the public. The term includes Confidential Limited Availability Data and Confidential Restricted Availability Data.

M. Complimentary. Shall have the meaning as set forth in 25 C.F.R. § 542.2(a).

N. Directly related to. A spouse, child, parent, grandparent, grandchild, aunt, uncle or first cousin.

O. Director. A member of the Tribal Gaming Board of Directors.

P. Facility License. A separate license issued by the Tribe to each place, facility or location on Indian lands where the Tribe elects to allow class II or III gaming.

Q. Gaming Facility or Facilities. Means the Kickapoo Lucky Eagle Casino.

R. Gaming Operation. Each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity.

S. Indian lands.

1. Land within the limits of an Indian reservation; or

2. Land over which an Indian tribe exercises governmental power and that is either:

a. Held in trust by the United States for the benefit of any Indian tribe or individual; or

b. Held by an Indian tribe or individual subject to restriction by the United States against alienation.

T. Indian Tribe. Means the Kickapoo Traditional Tribe of Texas.

U. Key Employee.

1. A person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Director of security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gaming devices, including persons with access to cash and accounting records within such devices;
2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
3. If not otherwise included, the four most highly compensated persons in the gaming operation; or
4. Any other person designated by the tribe as a key employee.

V. Licensee. A tribally owned class II or class III gaming operation or a person licensed by the Tribal Gaming Commission as a primary management official, key employee or other gaming employee under the provisions of this ordinance.

W. Management Contract. Any contract, subcontract or collateral agreement between an Indian tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

X. Net Revenues. Gross gaming revenues of an Indian gaming operation less:

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

Y. Per Capita Payment. The distribution of money or other things of value to all members of the Tribe, or to identify groups of members, which is paid directly from the net revenues of any tribal gaming activity.

Z. Primary Management Official.

1. The person(s) having management responsibility for a management contract.
2. Any person who has authority:
 - a. To hire and fire employees; or
 - b. To set up working policy for the gaming operation; or
 - c. The chief financial officer or other person who has financial management responsibility.
3. Any other person designated by the Tribe as a primary management official.

AA. Tribal-State Compact. "Tribal-State compact" means an agreement between a tribe and state about class III gaming under 25 U.S.C. § 2710(d).

Section 4. Gaming Authorized

Class II gaming is authorized to be conducted on the Tribe's Indian lands, if such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.

Section 5. Ownership of Gaming

- A. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance, unless the Tribe elects to allow individually owned gaming.
- B. The Tribe may authorize individually owned gaming in accordance with IGRA and the NIGC's regulations.
- C. For licensing of individually owned gaming operation other than those operating on September 1, 1986, this ordinance shall require:
 1. That the gaming operation be licensed and regulated under an ordinance or resolution approved by the Chairman of the NIGC;
 2. That income to the tribe from an individually owned gaming operation be used only for the purposes listed in 25 C.F.R. § 522.4(b)(2);

3. That no less than 60 percent of the net revenues be income to the tribe;
4. That the owner pay an assessment to the Commission under 25 C.F.R. §514.1;
5. Licensing standards that are at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the surrounding State; and
6. Denial of a license for any person or entity that would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the surrounding State. State law standards shall apply with respect to purpose, entity, pot limits, and hours of operation.

Section 6. Use of Net Gaming Revenues

A. Net revenues from Tribal gaming shall be used only for the following purposes:

1. To fund Tribal government operations or programs;
2. To provide for the general welfare of the Tribe and its members;
3. To promote Tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.

Section 7. Per Capita Payments

A. Net revenues from any Class II gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if—

1. The Tribe has prepared a plan² to allocate revenues to one or more of the five uses authorized by section 6(A) of this ordinance;
2. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in sections 6(1) and 6(3) of this ordinance;
3. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved; and
4. The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

² A tribal revenue allocation plan ("RAP") must satisfy the BIA regulations in 25 C.F.R. part 290 for approval by the Secretary of the Interior.

Section 8. Gaming Commission

- A. The Tribe hereby establishes a Tribal Gaming Commission ("Commission") to regulate the Tribe's gaming operations. The Commission shall consist of three (3) members, including a Chair, Vice-Chair and at least one additional Commissioner.
- B. The Commission will conduct oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all of its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.
- C. Commissioner positions shall be filled in the following manner:
 - 1. Through appointment by the Tribal Council.
- D. Terms of office for Commissioners shall be as follows: the Chair shall serve an initial term of one (1) year, with subsequent Chairs serving three (3) year terms; and the Vice-Chair and Commissioner(s) shall serve an initial term of two (2) years, with subsequent Vice-Chairs and Commissioners serving three (3) year terms.
- E. The following persons are not eligible to serve as Commissioners: Tribal Council members, while serving as such; current employees of the gaming operation; gaming contractors (including any principal of a management, or other, contracting company); and persons ineligible to be key employees or primary management officials. Non-tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as a Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if the Tribal Council specifically finds that a significant amount of time has passed and the person is now of trustworthy character. The Tribal Council shall require a criminal history check with appropriate law enforcement agencies for each Commissioner candidate; shall review the candidate's criminal history check results; and shall make an appropriate eligibility determination before appointing an individual to the position of Commissioner.
- F. The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from, the Tribal Council in all matters within its purview. No prior, or subsequent, review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe requires that, at a minimum:

1. No member of the Tribal Council or Tribal Gaming Board of Directors may serve on the Tribal Gaming Commission;
 2. No member directly related to any Tribal Council Members or Kickapoo Gaming Authority Board member may serve on the Tribal Gaming Commission;
 3. Members of the Commission are prohibited from gambling in the facility;
 4. Commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued under \$5.00; and
 5. Commissioners may only be removed from office by the Tribal Council, prior to the expiration of their respective terms, for neglect of duty, misconduct, malfeasance or other acts that would render a Commissioner unqualified for the position. Removal by Tribal Council is final and not subject to appeal.
- G. Nominees for Commissioner positions must satisfy the eligibility standards set forth for primary management officials and key employees found in Section 21 of this ordinance. All requisite background investigations shall be performed under the direction of the National Indian Gaming Commission.
- H. The Tribal Gaming Commission shall:
1. Conduct background investigations, or cause such investigations to be conducted, for primary management officials and key employees;
 2. Review and approve all investigative work conducted in connection with the background investigations of primary management officials and key employees;
 3. Create and maintain investigative reports based on the background investigations of primary management officials and key employees;
 4. Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
 5. Make licensing eligibility determinations, which shall be signed by the Chair of the Commission;
 6. Submit a notice of results to the NIGC of the background investigations done for each primary management official and key employee applicant;
 7. Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;
 8. Establish standards for licensing Tribal gaming facilities;

9. Issue gaming licenses to Tribal gaming facilities;
10. Inspect, examine and monitor all of the Tribe's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
11. Ensure compliance with all Tribal, state and federal laws, rules and regulations regarding Indian gaming;
12. Investigate any suspicion of wrongdoing associated with any gaming activities;
13. Hold hearings on patron complaints, in accordance with procedures established in this ordinance and the Tribal gaming regulations;
14. Comply with any and all reporting requirements under IGRA, the NIGC's regulations and any tribal-state compact to which the Tribe is a party, and any other applicable law;
15. Promulgate and issue regulations necessary to comply with applicable internal control standards;
16. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
17. Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this ordinance or any Tribal, federal or state gaming regulations, if applicable;
18. Establish a list of persons not allowed to game in the Tribe's gaming facilities in order to maintain the integrity of the gaming operation;
19. Establish a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facility, and create regulations for enforcing the exclusions;
20. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal or state statutes, ordinances, regulations, codes or resolutions;
21. Create a list of regulatory authorities that conduct background investigations of, and license, vendors who are recognized as trustworthy;
22. Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
23. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and

24. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this ordinance.
- I. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Tribal Council, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.
 - J. The Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Tribal gaming operation on a need-to-know basis, for actions taken in their official capacities.
 - K. The confidentiality requirements in Section 8(J), above, do not apply to requests for such records or information from any Tribal, federal, or state law enforcement or regulatory agency, or for the use of such records or information by the Commission and staff in the performance of their official duties.
 - L. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commissioners shall be required for any final determination by the Commission. The Commission may act in its official capacity, even if there are vacancies on the Commission.
 - M. Commissioners shall be compensated at a level determined by the Tribal Council. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue.
 - N. The Commission shall keep a written record of all its meetings.
 - O. Tribal Gaming Commission duties include having to make important decisions on highly sensitive issues. As such, the Tribe has determined that the Gaming Commission shall be held to an extremely high ethical standard. Prior to taking their positions on the Commission, the Commission Members shall agree to be bound by the following principles:
 - 1. Members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.
 - 2. Members shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.
 - 3. Members shall not solicit or accept any gift or other item of monetary value, including complimentary items or services, from any person or entity seeking official action or

inaction from, doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Member's duty.

4. Members shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe.
5. Members shall not use their positions for private gain.
6. Members shall act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Members.
7. Members shall ensure that Tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.
8. Members shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.
9. Members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
10. Members shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
11. Member shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

Section 9. Audits

- A. The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
 1. Annual audits shall conform to generally accepted auditing standards.
- B. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this ordinance.
- C. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.

Section 10. Environment and Public Health and Safety

- A. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.
- B. Kickapoo Traditional Tribe of Texas shall identify and enforce laws, resolutions, codes, policies, standards, procedures, which are applicable to each gaming place, facility or

location, to ensure adequate protection of the environment and the health and safety of the public.

Section 11. Patron Dispute Resolution

- A. Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing. The Commission shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence, at the discretion of the Commission. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued.
- B. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of actual proven damages, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

Section 12. Facility Licenses

- A. The Tribe shall issue a separate license to each place, facility or location on Indian lands where class II gaming is conducted under this ordinance.
- B. The Tribal Gaming Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- C. The Tribal Gaming Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility or location.
- D. The Tribal Gaming Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application shall include:
 - 1. A legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.
- E. The Tribal Gaming Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- F. The Tribe or Tribal Gaming Commission shall submit to the NIGC Chair a notice that

issuance of a facility license is under consideration by the Tribal Gaming Commission.³ This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where [class II and/or III] gaming will occur.

- G. The Tribal Gaming Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.⁴
- H. The Tribe shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

Section 13. Agent for Service of Process

- A. The Tribe designates the Tribal Council Chairman as the agent for service of any official determination, order or notice of violation.
- B. Agent may be contacted at: 2212 Rosita Valley Road, Eagle Pass, Texas 78852 Attn: Legal Department.

Section 14. Tribal Access to Financial Information

- A. A copy of the Tribal gaming operation's annual audit will be made available for review, upon request, to KTTT Tribal Council.

Section 15. License Application Forms⁵

- A. The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position.

³ The facility license notice shall contain the information and documentation set out in 25 C.F.R. § 559.2(b).

⁴ Under 25 C.F.R. § 559.4, a tribe is required to submit an attestation certifying that by issuing the facility license, the tribe has determined that the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety.

⁵ The provisions related to the Privacy Act and False Statement notifications must be included in the ordinance exactly as written in the NIGC's regulations.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

- B. The following additional notice shall be placed on the application form for a key employee or a primary management official before it is filled out by an applicant:

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

Section 16. License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

Section 17. Fingerprints

The Tribe shall perform a background investigation for each primary management official and key employee of the gaming operation. The Tribe shall request fingerprints from each primary management official and key employee. Fingerprints shall be taken by KTTT Tribal Gaming Commission Licensing Staff. Fingerprints will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation ("FBI") and the National Criminal Information Center to determine the applicant's criminal history, if any.⁶

Section 18. Background Investigations⁷

- A. The Tribe shall perform a background investigation for each primary management official and key employee in its gaming operation.
- B. The Tribal Gaming Commission is responsible for conducting the background investigations of primary management officials and key employees.
- C. The Tribal Gaming Commission shall obtain from each primary management official and key employee all of the following information:
 - 1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages spoken and/or written);

⁶ Only the fingerprints of key employees and primary management officials will be forwarded to the FBI for processing. If an employee is not identified as a "key employee" or a "primary management official" by the tribe in its gaming ordinance and/or regulations, then those fingerprints cannot be processed by the FBI, according to the terms of the current Memorandum of Understanding between the NIGC and the FBI regarding fingerprint processing

⁷ Unless a tribal-state compact provides that a state has exclusive jurisdiction over conducting background investigations and issuing licenses for class III gaming operations, the background investigation provisions apply to both class II and class III gaming.

2. Currently, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 3. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (C)(2) of this section;
 4. Current business and residential telephone numbers, and all cell phone numbers;
 5. A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;
 6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the businesses;
 7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
 9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;
 10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, and is not otherwise listed pursuant to paragraphs (C)(8) or (C)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 12. A current photograph (taken within the last year);
 13. Any other information the Tribe deems relevant; and
 14. Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. § 522.2(h).
- D. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 18(c), shall be maintained.

Section 19. Procedures for Conducting Background Investigations⁸

- A. The Tribal Gaming Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigation must be sufficient to allow the Tribal Gaming Commission to make an eligibility determination under Section 22 of this ordinance. The investigator shall:
1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 2. Contact each personal and business reference provided in the license application, when possible;
 3. Conduct a personal credit check;
 4. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits and any other information deemed to be relevant;
 5. Conduct a criminal history records check by submitting the applicant's fingerprints to the NIGC or to another law enforcement agency for forwarding to the FBI to perform a criminal history records check utilizing the FBI's data base;⁹
 6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
 7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
 8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

⁸ An authorized tribal official must be able to review a person's prior activities, criminal record (if any), and reputation, habits and associations to make an eligibility finding for licensing purposes. *See* 25 U.S.C. § 2710(b)(2)(F)(II); 25 C.F.R. § 556.5.

⁹ The tribe is required to submit to the NIGC Chair, along with its request for approval of a class II or III gaming ordinance, a description of procedures for conducting a criminal history check by a law enforcement agency, including a check of criminal history records information maintained by the FBI; *See* 25 C.F.R. §§ 522.2(h), 522.6(a)

Section 20. Investigative Reports

- A. The Tribe shall create and maintain an investigative report for each background investigation of a primary management official or key employee.
- B. Investigative reports shall include all of the following information:
 - 1. Steps taken in conducting the investigation;
 - 2. Results obtained;
 - 3. Conclusions reached; and
 - 4. The basis for those conclusions.

Section 21. Eligibility Determinations

- A. Before a license is issued to a primary management official or key employee, an authorized Tribal official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- B. If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.
- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

Section 22. Notice of Results of Background Investigations

- A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
 - 1. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.
- B. The notice of results shall include the following information:
 - 1. The applicant's name, date of birth, and social security number;
 - 2. The date on which the applicant began, or will begin, working as a primary management official or key employee;

3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
4. A copy of the eligibility determination made in accordance with Section 21.

Section 23. Granting Gaming Licenses¹⁰

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.
- B. The Tribal Gaming Commission¹¹ is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by Section 22.
- D. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- E. The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- F. The Tribal Gaming Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
 1. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.

¹⁰ The procedures and standards of 25 C.F.R. part 558 apply only to licenses for primary management officials and key employees. *See* 25 C.F.R. § 558.1.

¹¹ Unless a tribal-state compact assigns responsibility to an entity other than a tribe, the licensing authority for class II or class III gaming is a tribal authority. *See* 25 C.F.R. § 558.1

- G. The Tribe will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- H. If the Tribal Gaming Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 26.

Section 24. Denying Gaming Licenses

- A. The Tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 21 for making a license eligibility determination, that licensing the person:
 - 1. Poses a threat to the public interest;
 - 2. Poses a threat to the effective regulation of gaming; or
 - 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license after reconsideration, it shall:
 - 1. Notify the NIGC; and
 - 2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 25. Gaming License Suspensions and Revocations

- A. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment; the Tribal Gaming Commission shall do the following:
 - 1. Immediately suspend the license;
 - 2. Provide the licensee with written notice of the suspension and proposed revocation; and
 - 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.

- C. Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue.
- D. The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

Section 26. Records Retention

- A. The Tribal Gaming Commission shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:
 - 1. Applications for licensing;
 - 2. Investigative Reports; and
 - 3. Eligibility Determinations.

Section 27. Licenses for Vendors

- A. Vendors of gaming services or supplies, with a value of \$25,000 or more annually, must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.
- B. Gaming Vendors are vendors who provide gaming supplies and services, including cash related services.
- C. Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers.
 - 1. The Tribal Gaming commission shall create a regulation detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses.
 - 2. The regulation may exempt from licensing requirements of non-gaming vendors who:
 - i. Are a Tribal, Local, State, or Federal Government agency;
 - ii. Are regulated by the State of Texas or the Tribe; or
 - iii. Will provide goods of insubstantial or insignificant amounts or quantities if the Tribal Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.

Section 28. Submission of a Vendor License Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

Section 29. Contents of the Vendor License Application

A. Applications for gaming vendor licenses must include the following:

1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
2. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;
3. If the applicant is a corporation, the state of incorporation and the qualification to do business in the State of Texas, if the gaming operation is in a different state than the state of incorporation.
4. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
5. General description of the business and its activities;
6. Whether the applicant will be investing in, or loaning money to, the gaming operation, and, if so, how much;
7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
8. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;¹²
9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
10. The name and address of any licensing or regulatory agency with which the business has

¹² If vendor has extensive interaction with Indian Tribes, the list may be limited to the ten (10) biggest contracts.

filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

11. If the business has ever had a license revoked for any reason, the circumstances involved;
12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
13. List the business' funding sources and any liabilities of \$50,000 or more;
14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles, and percentage of ownership in the company; and
15. Any further information the Tribe deems relevant.

- B. The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.

- C. A vendor may submit to the Tribal Gaming Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribe not contained in the other application.

Section 30. Vendor Background Investigations

The Tribal Gaming Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming vendor. This investigation shall include, at a minimum, the following steps:

- A. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
- B. Obtaining a business credit report, if available and conducting a Better Business Bureau check on the vendor;
- C. Conducting a check of the vendor's business' credit history;
- D. Calling and questioning each of the references listed in the vendor application; and
- E. Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report,

and interviewing the personal references listed.

Section 31. Vendor License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 32. Vendor Background Investigation Reports

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the Tribal Gaming Commission.

Section 33. Exemption for Vendors Licensed by Recognized Regulatory Authorities

The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors who have received a license from one of the named regulatory authorities.

Section 34. Licenses for Non-Gaming Vendors

For non-gaming vendors, the Tribal Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation as laid out in this Ordinance. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring Tribal purchases.

Section 35. Tribal Internal Control Standards

The Tribe shall adopt and implement Internal Control Standards (ICS) for the operation of its Tribal Gaming Operation in accordance with applicable law. The Tribe's ICS shall be set out in separate regulations to be reviewed and approved by the Tribal Council.

Section 36. Compliance with Federal Law

The Tribe shall comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*

Section 37. Repeal

To the extent that they are inconsistent with this ordinance, all prior Tribal gaming ordinances are hereby repealed.

READ, PASSED, APPROVED AND ENACTED at a duly called Tribal Council meeting on the 2nd Day of
March, 2017.



Estavio Elizondo, Council Chairman



Date



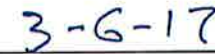
David Valdez Sr., Council Secretary



Date



David Trevino, Council Treasurer



Date



Nanate Hernandez, Council Member

Date



Kendall Scott, Council Member



Date

**TRADITIONAL
COUNCIL**

CHAIRMAN
Estavio Elizondo, Menikapah

SECRETARY
David Valdez, Sr., Pietoetaka

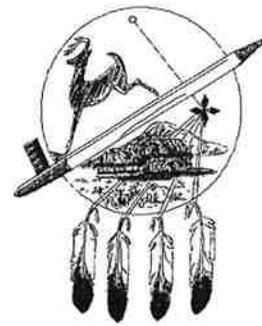
TREASURER
David Treviño, Wepikaoda

MEMBERS
Kendall R. Scott, Metaa
Nanate Hernandez, Nanatea

KICKAPOO

**TRADITIONAL
TRIBE OF TEXAS**

2212 Rosita Valley Rd.
Eagle Pass, Texas 78852



Traditional Council

RESOLUTION No. 2017 – R – 004

RESOLUTION DULY ADOPTED BY THE KICKAPOO TRADITIONAL COUNCIL

**AN AMENDMENT TO THE KICKAPOO TRADITIONAL
TRIBE OF TEXAS GAMING ORDINANCE**

WHEREAS, The Kickapoo Traditional Tribe of Texas is an Indian tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), codified at 25 U.S. C. 476, et seq., and under the Tribal Constitution, which was approved by the United States Secretary of Interior on July 11, 1989; and

WHEREAS, The Tribal Council of the Tribe is the governing body of the Tribe as specified under Article III, Section I of the Tribal Constitution; and

WHEREAS, The Tribal Council has the powers necessary to act for the Tribe and to represent the Tribe in all matters under powers vested in it by Article VII of the Tribal Constitution; and

WHEREAS, The Kickapoo Traditional Tribe of Texas has a Class II Casino operating on Federal Trust Land known as the Kickapoo Lucky Eagle Casino; and

WHEREAS, The Tribal Council has previously submitted to the National Indian Gaming Commission ("NIGC") the reviewed and developed the ordinance known as the First Amended Kickapoo Traditional Tribe of Texas Gaming Ordinance; and

WHEREAS, The Tribal Council and Gaming Commission had reviewed the Tribes Gaming Ordinance and has determined that it is in the best interest of the Tribe to amend the current Kickapoo Traditional Tribe of Texas Gaming Ordinance in order to strengthen and enhance the regulations contained therein; and

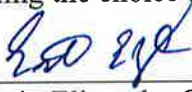
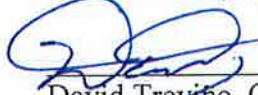
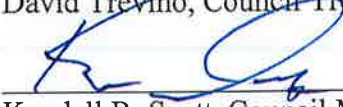
WHEREAS, The Indian Gaming Regulatory Act prescribes rules and regulations under which gaming can lawfully be conducted on Federal Trust Land; and

WHEREAS, The Indian Gaming Regulatory Act requires that Tribes enact a Gaming Ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Kickapoo Traditional Tribe of Texas Tribal Council hereby revised the previously submitted First Amended Kickapoo Traditional Tribe of Texas' Gaming Ordinance. **FURTHER BE IT RESOLVED,** that the Tribal Council enacts the attached revised Kickapoo Traditional Tribe of Texas Gaming Ordinance dated March 6, 2017. **FINALLY BE IT RESOLVED,** that this resolution takes effect immediately upon Tribal Council execution.

ATTESTATION

We, the undersigned Kickapoo Traditional Tribal Council members acting in our official capacities as the governing body of the Kickapoo Traditional Tribe of Texas certify that the above resolution is true and accurate resolution adopted at a meeting called and conducted on **March 6, 2017** at the Kickapoo Tribal Governmental offices located at the Kickapoo Village in Eagle Pass, Texas with a quorum being present. Each signatory below indicates the vote by circling the choice on Resolution **2017 - R - 004** as follows:

 _____ Estavio Elizondo, Council Chairman	☒ FOR / AGAINST	<u>3-6-17</u> Date
 _____ David Valdez, Sr., Council Secretary	☒ FOR / AGAINST	<u>3-6-17</u> Date
 _____ David Treviño, Council Treasurer	☒ FOR / AGAINST	<u>3-6-17</u> Date
 _____ Kendall R. Scott, Council Member	☒ FOR / AGAINST	<u>3-6-17</u> Date
_____ Nanate Hernandez, Council Member	FOR / AGAINST	_____ Date

CERTIFICATION

I, David Valdez, Sr., the Secretary of the Kickapoo Traditional Tribe of Texas Traditional Council, or designated agent, hereby certify that a duly called meeting of the Tribal Council was held and that Resolution 2017 – R - 004 was approved and enacted on March 6, 2017. The Traditional Council voted as follows:

<u>4</u>	in favor
<u>0</u>	opposed
<u>0</u>	abstain
<u>1</u>	absent

DAVID VALEZ, SR., Secretary

By: _____

Signature

Printed Name

Title: _____

Date: _____